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Attorneys for Defendant
MERRILL GARDENS L.L.C.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

ELIAS ESCOBEDO, individually, and on
behalf of other members of the general public
similarly situated,

Plaintiff,

v.

MERRILL GARDENS L.L.C., a Washington
limited liability company; and DOES 1
through 100, inclusive,

Defendants.

Case No. 4:23-cv-05834-YGR
[Related to Case No. 4:23-cv-05188-YGR]

**AMENDED NOTICE OF RELATED
CASES**

**TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA, AND TO PLAINTIFF AND HIS ATTORNEY
OF RECORD:**

PLEASE TAKE NOTICE that counsel for Defendant MERRILL GARDENS, L.L.C.
("Defendant") has reason to believe the instant action, *Elias Escobedo v. Merrill Gardens, L.L.C.*,
is related to the following actions:

1. *Maria Bustos Ramirez v. Merrill Gardens, L.L.C.*, United States District
Court for the Eastern District of California, Case No. 1:22-CV-00542-SAB
(Consolidated with 1:22-CV-01042-SAB), pending before Magistrate Judge Stanley

1 A. Boone (the "*Ramirez* Class Action");

2 2. *Elias Escobedo v. Merrill Gardens, L.L.C.*, Superior Court of California,
3 County of Contra Costa, Case No. C23-02412, pending before the Honorable Charles
4 S. Treat, Department 12 (the "*Escobedo* PAGA Action"); and

5 3. *Jacob Chavoya v. Merrill Gardens, L.L.C.*, United States District Court for
6 the Eastern District of California, Case No. 1:24-cv-00268-BAM (the "*Chavoya*
7 Class Action").

8 In addition, the instant action has already been formally related to *Laquisha Monique Walls*
9 *v. Merrill Gardens, LLC*, now pending before this Court as Case No. 4:23-cv-05188-YGR.

10 As the Court is aware, in the instant matter plaintiff Escobedo has alleged the following
11 causes of action: (1) failure to pay overtime wages; (2) failure to provide meal period premiums; (3)
12 failure to provide rest periods; (4) failure to pay minimum wages; (5) final wages not timely paid;
13 (6) failure to timely pay wages during employment; (7) failure to provide compliant wage
14 statements; (8) failure to keep payroll records; (9) failure to reimburse business expenses, and (10)
15 unfair competition under California's UCL (Cal. Bus. & Prof. Code §§ 17200, *et seq.*). (Dkt. No.
16 1 at 20.) Plaintiff seeks to represent a class made of all "hourly-paid or non-exempt employees"
17 who worked for Defendant in California from September 5, 2019 on. (*Id.* at 21.)

18 **The *Ramirez* Class Action**

19 The *Ramirez* Class Action is a class and representative action originally filed in Los Angeles
20 County Superior Court on March 8, 2022. Plaintiff through her Complaint sought to represent all
21 nonexempt employees of Defendant who worked for Defendant in the state of California from 2018
22 through the date of preliminary approval. (Dkt. No. 1 at 29.) Plaintiff asserted the following eight
23 causes of action: (1) failure to pay minimum wages; (2) failure to pay overtime compensation; (3)
24 failure to provide meal periods; (4) failure to authorize and permit rest breaks; (5) failure to
25 reimburse necessary business expenses; (6) failure to timely pay final wages at termination; (7)
26 failure to provide accurate itemized wage statements; and (8) unfair competition under California's
27 UCL. (Dkt. No. 1 at p. 20.) Defendant subsequently removed the case to federal court (Dkt. No.
28 1), and Plaintiff filed an amended complaint adding a claim for civil penalties under PAGA, California

1 Labor Code §§ 2698 *et seq.* (Dkt. No. 21.)

2 On January 10, 2024, the Court granted plaintiff Ramirez's motion for preliminary approval
3 of a complete settlement of the *Ramirez* Class Action and a consolidated case, *Holguin v. Merrill*
4 *Gardens, LLC*, Case No. 1:22-CV-01042-SAB.

5 Defendant believes these matters to be related due to the fact both are filed against
6 Defendant, there is significant overlap among the putative class members, near total overlap in the
7 claims asserted, and the claims asserted involve similar questions of fact and of law.

8 **The *Escobedo* PAGA Action**

9 The Complaint in the *Escobedo* PAGA Action alleges one cause of action for statutory
10 penalties pursuant to the California Private Attorneys General Act ("PAGA"), Cal. Lab. § 2698, *et*
11 *seq.*, based on the same alleged violations of California Labor Code that are at issue in the instant
12 matter. Further, it is the same named Plaintiff and Defendant in both cases, the individuals whom
13 plaintiff Escobedo seeks to represent in the *Escobedo* PAGA Action overlap with the putative class
14 in the instant matter, and the claims asserted involve similar questions of fact and of law.

15 **The *Chavoya* Class Action**

16 The *Chavoya* Class Action is a class action originally filed in Fresno County Superior Court
17 on January 30, 2024. Defendant removed the case to the Eastern District of California on March 4,
18 2024, where it is now pending before Magistrate McAuliffe. No discovery or initial case
19 management conference has occurred.

20 The Complaint in the *Chavoya* Class Action alleges nine causes of action: (1) failure to pay
21 minimum wage and "straight time" wages; (2) failure to pay overtime; (3) failure to provide meal
22 periods; (4) failure to authorize and permit rest breaks; (5) failure to timely pay final wages at
23 termination; (6) failure to provide accurate itemized wage statements; (7) failure to reimburse
24 necessary business expenses; (8) failure to produce requested employment records; and (9) unfair
25 competition under California's UCL. (Dkt. No. 1 at 16.)

26 Defendant believes these matters to be related due to the fact both are filed against
27 Defendant, there is significant overlap among the putative class members, near total overlap in the
28 claims asserted, and the claims asserted involve similar questions of fact and of law.

1 DATED: March 13, 2024

HANSON BRIDGETT LLP

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3 By: /s/ Kathleen B. Roney

4 DIANE MARIE O'MALLEY

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5 SAMANTHA A. BOTROS

6 Attorneys for Defendant

MERRILL GARDENS L.L.C.